



City of Carmel

Carmel Board of Zoning Appeals Regular Meeting Monday, July 24, 2006

The regularly scheduled meeting of the Carmel Board of Zoning Appeals met at 6:00 PM on Monday, July 24, 2006, in the Council Chambers of City Hall, Carmel, Indiana. The meeting opened with the Pledge of Allegiance.

Members in attendance were Kent Broach, Leo Dierckman, James Hawkins, Earlene Plavchak and Madeleine Torres, thereby establishing a quorum. Angie Conn and Mike Hollibaugh represented the Department of Community Services. John Molitor, Legal Counsel, was also present.

Mrs. Torres moved to approve the minutes of the June 26, 2006 meeting as submitted. The motion was seconded by Mr. Hawkins and **APPROVED 5-0.**

Mrs. Conn gave the Department Report. The Cingular Cell Tower item has been tabled until the August 28 meeting. Item 5h, Huntington National Bank was two days late with Public Notice, therefore the Board will need to suspend the rules to hear the item.

Mr. Molitor stated there was considerable community interest in the Cingular Cell Tower and this was the second time it had been tabled. If the item is tabled at the August 28 meeting, the Board may want to require Cingular to re-notify the neighbors and print Public Notice.

Mr. Hawkins moved to re-order the agenda, have staff notify Cingular of the re-notification requirement if they table the August 28 Hearing, and to suspend the rules to hear Item 5h. The motion was seconded by Mr. Broach. The motion was **APPROVED 4-0**, with Mr. Dierckman recusing himself from the Cingular Cell Tower item.

Mr. Molitor gave the Legal Report. An Executive Session was tentatively set for immediately following this meeting. However, the other attorneys involved in the litigation would be unable to attend until 7:30 or 8:00 PM. This meeting was expected to end around 6:30 PM or so. Therefore, he had taken the liberty to cancel the Executive Session. If the members still wanted to meet with him, he could brief them on the case regarding the Martin Marietta litigation in Federal District Court. The City had received approval from the Court for additional time until August 19 to make their response. In addition, the City has until August 19 to make their return to the Writ of Certiorari. On account of that, he would like to meet in Executive Session sometime the week of August 7 for approximately one-half hour to share the Draft Answer and Writ of Certiorari for any suggestions to be ready by August 19.

H. Public Hearing:

1-3h. TABLED:

~~Cingular Wireless Communications Tower~~

~~The applicant seeks the following special exception and development standards variance approvals:~~

~~Docket No. 06040014 SE ZO Chapter 20H.02 Special Exception Uses~~
~~Docket No. 06040015 V ZO Chapter 25.13.1.B.i Distance from Residential Property~~
~~Docket No. 06050009 V ZO Chapter 25.13.01.3 Tower landscape requirements~~
The site is located at Brookshire Golf Course, northwest of 116th St. and Gray Rd.
The property is zoned P-1/Parks & Recreation.
Filed by Jim Buddenbaum of Parr Richey Obremskey & Morton for Cingular.

4h. Carmel Science & Technology Park, Block 6

The applicant seeks commitment amendment approval:

Docket No. 06060008 CA Commitment Amendment

The site is located at 755 & 765 W. Carmel Dr. and is zoned M-3/Manufacturing.

Filed by Adam DeHart of Keeler-Webb Assoc. for Carmel Dr. Executive Office Park, LLC.

Present for Petitioner: Adam DeHart, Keeler-Webb, 486 Gradle Drive. The site is currently half developed. The original Development Plan and ADLS approval for this site included two 43,000 square foot two-story buildings. This is one of the original Federal-style brick buildings in the Carmel Science and Technology Park designed in 1997 and approved in 1998. Since that period of time, they are finally seeing what the intersection at that site will look like in the future. There are several different tenants in medical and professional fields. At the time of development, they were trying to have a different look in the area on Carmel Drive and City Center Drive. There was a lot of thought at the time about the trails and pedestrian-oriented atmosphere, which they have not seen. At that time they had asked for a variance to put up the pennant-style signs that are used today. They were trying to find something a little different and the Old Town Signage Ordinance requiring pennant signs had not been written. They have found that the clients can not make out the signs as they are coming down the street. They want to use the same signage and allow the same sign area to be placed flat on the building. The original commitments and building elevations were pointed out. Specifically the changes from the 1998 Commitments are in Item #1 the words “tenant space” will be added to define how many signs and who has rights to the signs to make it easier for sign permits; Item #2 was changed from “no wall or roof signs”. They will keep the no roof signs, but will allow wall signs. Item #3 has no changes. There are minor changes in Item #4 so there is appropriate number of signs per tenant facing the correct streets based on previous requirements set by this Board and the Plan Commission. When they originally filed this project, they and the staff were looking at it as a signage change and they were on schedule for the ADLS Amendment with the Plan Commission Special Studies Committee. Further review by staff thought they needed to change the wording in the commitments. They have already gone to the Special Studies meeting and the committee findings and approval were in the packet. They are in agreement with the staff’s findings of fact.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. Basically the amendment is to allow wall signage on this building. The Department recommends favorable consideration with the Condition the Petitioner provides the Department with a copy of the new recorded commitments.

Mrs. Plavchak asked if each tenant would have both a projecting flag-type sign and a wall sign. The way it was written it said that “the signage area required per tenant will remain the same but will now

allow wall signs in addition to the projecting signs.” That sounded like they could have both. Maybe “in addition to” should be changed to “instead of”. Is there a commitment that the entire building will be uniform or will some of the tenants have wall signs and some will have flag-pole signs? It should all be the same.

Mr. DeHart stated it was their intention for each tenant to change from a flag-type sign to a wall sign. They would not have both.

Mrs. Conn stated that when they went through the ADLS Amendment approval, it was to change the whole sign package to be all wall signs.

Mr. Hawkins confirmed that there would be no problem to record the commitment.

Mr. DeHart agreed.

Mr. Dierckman moved to approve **Docket No. 06060008 CA, Carmel Science & Technology Park, Block 6**. The motion was seconded by Mrs. Torres and **APPROVED 5-0**.

5h. Weston Pointe - Huntington National Bank

The applicant seeks the following development standards variance approval:

Docket No. 06060009 V Chapter 23C.10.03 Greenbelt & Parking Lot Perimeter Planting

The site is located at 11055 N Michigan Rd and is zoned B-2/Business within the US 421 Overlay.

Filed by Darci Pellom of Civil Designs, LLP for Huntington National Bank.

Present for the Petitioner: Darci Pellom, Civil Designs. The overall approved site plan was shown. The Weston Pointe Retail Center was approved by the Plan Commission in August 2005. The retail portion is under construction and the office building behind it has been sold and will be under construction shortly. They are seeking a waiver of the 6-foot perimeter parking greenspace as per the US 421 Overlay for the Huntington Bank and the two outlots whose end user has yet to be determined. The entire 10.2 acre site had been approved through Plan Commission. The approved overall landscape plan was shown which included the thirty -foot greenbelt up front and all plantings. They took the Huntington Bank through the ADLS process and realized there was a six-foot perimeter parking. After the Weston Pointe approval, they had completed construction documents obtaining easements and utilities. At this point, pushing the outlots back 6 feet could impact the overall circulation and could impact some of the utilities, such as the sanitary easement that runs between the greenbelt along US 421 and the front of the buildings on the outlots. When this was discovered, they met with Matt Griffin and Scott Brewer and came up with this landscape plan. Scott Brewer gave his okay. Since they are a little forward of the original plan, they have some greenspace in the back that will create an overall interior streetscape into Weston Pointe. They took the required plantings from the six-foot perimeter parking and placed them in the 30-foot greenbelt in front. The greenbelt contains what is required by the greenbelt in the US 421 Overlay and it also contains the plants that are required for the 6-foot perimeter parking. A chart was shown of the difference between the six-foot perimeter parking and the greenbelt requirement and how much they have included. There are seven trees required for the greenbelt and five trees for the six-foot perimeter. They have included all twelve, meeting all the requirements.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. She asked if the variance was for all three outlots.

Ms. Pellom confirmed that. The Huntington Bank lot has been sold, so there are two different owners.

The Department recommended favorable consideration. The Petitioner will still be planting the number of plantings required, but they would be dispersed through the site.

Mr. Hawkins asked if the Plan Commission would have any issue with all three lots and should it have been reviewed prior to this meeting.

Mrs. Conn stated that each lot will require Plan Commission final site approval, so it will be addressed at that time.

Mr. Dierckman moved to approve **Docket No. 06060009 V, Weston Pointe – Huntington National Bank & 2 outlots.** The motion was seconded by Mr. Hawkins and **APPROVED 5-0.**

6-7h. TABLED:

~~Lubavitch of Indiana Worship Center~~

~~The applicant seeks approval for the following special use & development standards variance approvals:~~

~~**Docket No. 06050007 SU — ZO Chapter 5.02 — Special Uses**~~

~~**Docket No. 06050008 V — ZO Chapter 5.04.03.E.2 — Minimum Lot Width**~~

~~The site is located at 2640 W 96th Street and is zoned S-1/Residence.~~

~~Filed by Dave Coots of Coots, Henke & Wheeler, P.C.~~

8h. WITHDRAWN:

~~Stonegate Apartments off-premise sign~~

~~The applicant seeks approval for the following development standards variance:~~

~~**Docket No. 06020018 V — ZO Chapter 25.07.01-04 — off-premise sign in road right of way**~~

~~The site is located just north of Meadow Lane & Main Street and is zoned R-4/Residence.~~

~~Filed by Larry Kemper of Nelson & Frankenberger.~~

I. Old Business

There was no Old Business.

J. New Business

There was no New Business.

K. Adjournment

Mr. Dierckman moved to adjourn. The motion was seconded by Mr. Hawkins and **APPROVED 5-0**.
The meeting adjourned at 6:30 PM.

James R. Hawkins, President

Connie Tingley, Secretary